

GARDNERVILLE TOWN BOARD

Minutes

January 4, 2005

Re-elected Board members Randall P. Slater and Paul A. Lindsay were sworn in by Chief Deputy District Court Clerk Joann Thaler.

- Meeting was called to order by Chairman Cook. The Pledge of Allegiance was led by Randy Slater.

PRESENT:

Thomas J. Cook, Chairman
Randall P. Slater
Jerry L. Smith
Paul A. Lindsay

Michael S. Rowe, Town Counsel
Jennifer Roman, JWA Consulting Engineers
Jim Park, Town Manager
Jeff Summers, Maintenance Foreman
Carol Louthan, Secretary Sr.

ABSENT:

Michael W. Philips, Sr., Vice-Chairman

Chairman Cook would like the record to reflect Vice-Chairman Philips is absent this evening.

- **Approval of the Agenda**

Mr. Park asked to continue or drop the approval of the December 7th meeting minutes. There is not a quorum of the people who were present at that meeting.

Motion Smith/Lindsay to approve the agenda with approval of the December 7 meeting minutes being continued to the February meeting. Motion carried with Board member Philips absent.

- Approval of Previous Minutes
 - December 6, 2004 Joint Board Meeting

Motion Lindsay /Slater to approve the minutes of the December 6, 2004 joint board meeting. Motion carried with Board member Philips absent.

- December 7, 2004 Regular Board Meeting
(Quorum not present to approve. Continued to February 1, 2005)

- **Discuss Good News in Gardnerville**

Mr. Park referred to the handout that was given to Board members. The picture is from the United States Forest Service. They have used the pavilion as one of their internal projects depicted on their website. It speaks well for the town and the community.

- **Public Comment on Any Item Not on Tonight's Agenda-No Board Action**
There were no comments.

CONSENT CALENDAR

Consent items may be pulled at the request of Board Members wishing to have an item or items further discussed. When items are pulled for discussion, they will be automatically placed at beginning of the Administrative Agenda. All items shall include discussion and possible action.

- **Motion to approve consent calendar.**

TOWN DEPARTMENTS

1. Accept Health and Sanitation Monthly Report
Accepted
2. Accept Public Works Monthly Report
Accepted
3. Accept Parks Department Monthly Report

Accepted
CORRESPONDENCE

4. Correspondence

Read and noted
TOWN MANAGER

5. Approve Claims for December 2004

Approved

Motion Smith/Slater to approve the consent calendar as submitted. Motion carried with Board Member Philips absent.

ADMINISTRATIVE AGENDA

IF ANY ITEMS WERE PULLED FROM THE CONSENT CALENDAR, THOSE ITEMS WILL BE HEARD AT THIS POINT

TOWN BOARD

6. Discussion and possible action on a presentation of a US Highway 395 beautification project and a request to assist with project funding, requested by Mr. Nick Koropchak

Mr. Koropchak asked the Board to refer to the memo in Board packets. The reason he is here is they would like some financial assistance. If the Board could see fit to donate \$1,000 they would appreciate it. He can answer any questions they might have.

There was discussion among Board members and Mr. Koropchak concerning the Carson Valley Reforestation & Beautification Foundation, how they came about and how the Town can assist in helping them get grants or private donations.

No public comment.

Motion Slater/Smith to direct staff to meet with the group and see if there is any assistance they can either give them or direction they can give in gaining assistance for their project. Motion carried with Board member Philips absent.

TOWN ENGINEER

7. Accept Town Engineer's monthly report of activities

Mrs. Roman advised it is still quiet until they get going on the new projects. Jim and she have a meeting with NDOT on the 395 project tomorrow.

TOWN MAINTENANCE FOREMAN

8. Accept Town Maintenance Foreman's monthly report of activities

Mr. Summers reported maintenance staff has rebuilt the bridge down at the Martin Slough ponds. With the storms they have been busy plowing and sanding. The snow plow broke down on Saturday. They fixed it enough to finish; and it has now been repaired. A new plow has been purchased for the flatbed and is being installed; so they will have two now.

TOWN ATTORNEY

9. Accept Town Attorney Monthly Report of Activities

Mr. Rowe mentioned at the last meeting the subject came up about snow and ice removal again.

Mr. Slater indicated the reason he is concerned is that during the previous years they have not done things that changed the liability. When they agreed to repair the sidewalks he asked if that changes the liability?

Mr. Rowe did not believe it has changed the liability issue. They did visit this issue in a memo in January of '97. Another memo on sidewalks was in Board packets on January 3, 2002. The law has not changed. The only exception is if there is negligence arising from some other cause. In the 2003 legislature there were two changes. They added a section to NRS 41 that says "no person who owns property is liable in a civil action for any injury or damage that occurs as a result of the use of a sidewalk in the public right-of-way that abuts his property unless he failed to comply with an ordinance adopted pursuant to NRS 278." NRS 278 provides "except as otherwise provided, the governing body shall

not require an owner of property to maintain, reconstruct or repair sidewalk in a public right-of-way that abuts his property.” Subsection 2, “these provisions do not prohibit the governing body from requiring by ordinance owners of property to be responsible for the repair and reconstruction of a sidewalk in the public right-of-way that abuts the property of the owner, if the owner caused the need for such repair or reconstruction. The general maintenance of a sidewalk in the public right-of-way that abuts the property of the owner, including without limitation sweeping, removal of snow, ice and weeds, and maintenance of any grass, shrubs or trees that encroach on the sidewalk may be required by ordinance.” They don’t have the obligation or the responsibility to clear off snow and ice from the streets or sidewalks. That has not changed. However, if you want to impose that obligation on property owners, they need to put that in 18.06. That would be a request to the County to amend the enabling ordinance to include a provision that the Board recommends. He would like to avoid the County approach that both towns get together and have a consolidated code. Maybe they should put it back on the agenda with a specific draft that they can review and approve. After approved then start the process of going through the County. The only door that may open as to the town’s responsibility is if it can be shown the abutting owner didn’t do it and the Town didn’t do, and the Town was negligent because they didn’t go in and do it and bill the owner back.

Mr. Slater pointed out the State plows the snow on the sidewalks on Hwy 395. Someone needs to be responsible for getting the snow off the sidewalk on Hwy 395. People have to walk on the highway to get around the snow.

Mr. Park will find out whether NDOT has a reason for throwing the snow on the sidewalk rather than in the middle.

TOWN MANAGER

10. Accept Town Manager’s monthly report of activities

Mr. Park stated there is a written report in board packets. The conservation crews have pretty well got the Cottonwood Slough cleaned up. As soon as the weather breaks they will move the debris off Shirley Jacobs property. They have a meeting with NDOT tomorrow and hopefully get the sidewalks incorporated into the NDOT annual plan. Also work cooperatively to discuss right-of-way issues and look at some funding assistance. Meeting with County HR Friday looking at staff reorganization and responsibility realignments. Martin Slough has been postponed because of the weather. Walker River Irrigation will be doing the dredging work. Jennifer and Jeff are updating the capital improvements program. They have some sidewalks that will be installed this year, in addition to the Main Street sidewalks. He has a Rotary presentation to give at the Rotary Club in Minden. He has been invited to give an update on what the Town is doing. They were approved for the Centennial funding for the Heritage Park flagpole. Nevada Government Finance Officers Association conference is next week. County Commission meeting on Thursday. Kelly Kite is the chairman and Jim Baushke is the vice-chairman. On the agenda is the Town’s 2004 annual report, the Park and Anker development, and the no glass or metal container ordinance for Carson Valley Days. 9:00 tomorrow there is a community action group getting together over at Barone and Reed in downtown Minden to look at putting together a Tsunami Victims Relief Fund. He will bring some information back to the Board. They should be getting a design back on the Main Street Lighting Phase 2. The consulting group is taking a look at possible funding options. They usually do the planning and budget in February. Do they want to continue to do that. He will get some dates that might work.

Mr. Smith asked if there was any way to do a park lighting ceremony?

Mr. Park will definitely do something this year. The restroom will be complete. The facility will be ready. They are probably looking at a Friday meeting with the community planning consultant.

Motion Slater/Smith to adjourn the meeting at 5:32 p.m. Motion carried with Board member Philips absent.

Respectfully Submitted,

Thomas J. Cook
Chairman

Jim Park
Clerk to the Board